

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated August 31, 2007 (hereinafter Office Action) have been considered but are believed to be improper. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Each of the § 103(a) rejections is based at least in part upon an asserted combination of the teachings of U.S. Patent No. 6,867,733 to Sandhu *et al.* (hereinafter “Sandhu”) in view of those of U.S. Publication No. 2002/0152342 by Das *et al.* (hereinafter “Das”); however these references do not teach each of the claim limitations as asserted. Rather, the rejections appear to be based upon a misinterpretation of the claim limitations. Each of the rejections is addressed below in an effort to better illustrate the claim limitations absent from the asserted combinations of references.

Sandhu and Das fail to teach or suggest each of the asserted limitations.

Independent Claims 1, 25, 28, 38 and 45 are each directed to 1) transmitting speech and/or data by means of a mobile device using a predetermined transmission resource and 2) in response to the transmission of the speech and/or data by that mobile device, the mobile device also transmits with the speech or data, information about the location of the mobile device. The references to “detection of speech and / or data” and “detection of transmission” at pages 4-5 of the Office Action indicate that the claimed transmission of information about the location of the mobile device with the speech or data that is already being transmitted has been misinterpreted. This is further evidenced by the fact that the cited portions of Das are directed to a second device (receiver) detecting transmission from a first device (base station) and responding with an ACK/NACK message. The assertion at page two of the Office Action that Das teaches acknowledging (ack) or not acknowledging (nack) the reception of packet data is unrelated to the claimed transmission of location information. Rather, Das’ teachings regarding a second device detecting and responding to

a transmission by a first device fails to correspond to the claimed additional transmission of location information in response to transmission of speech/data by the same device.

In addition and as previously pointed out, Sandhu also fails to teach transmitting, with speech and/or data, information about the location of a mobile device in response to the transmitting of speech or data, as claimed. Instead, Sandhu teaches at column two that location data is encapsulated and initially transmitted in an outbound package to a service provider such that location data is not transmitted in response to prior transmission of speech/data by the same device. As neither Sandhu nor Das teaches or suggests each of the claimed limitations, the § 103(a) rejection of at least Claims 1-9, 12, 14, 18-20, 22-25, 28-30, 38-40 and 45 is improper.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); and moreover, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *See, e.g.*, MPEP §2143.03. The Examiner appears to have ignored certain claim limitations such as those directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), which are not taught by either of the cited references. As Sandhu teaches initially transmitting location data and Das appears to be unrelated to the claimed transmission of location information, the asserted combination of teachings fails to at least teach or suggest each of the claimed limitations.

Also, without acquiescing to characterizations of the asserted art, Applicant’s claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant’s claimed subject matter and in an effort to facilitate prosecution, Applicant has amended independent Claims 1, 25, 28, 35, 38, 43, 45 and 46 to more explicitly characterize that the information received is information about the location of at least one of the users of the predefined group. Support for these changes may be found in the instant Specification, for example, at paragraphs [0032], [0034] and [0055]; therefore, these changes do not introduce new matter. Since the received acknowledgement includes

information specific to a user of a predefined group, Das' mere ACK or NACK would not correspond to the claimed received response. Applicant further submits that each of the claims is patentable over the cited references for the reasons discussed below.

Dependent Claims 2-9, 12, 14, 18-20, 22-24, 29, 30, 39 and 40 depend from independent Claims 1, 28 and 35, respectively. Each of these dependent claims also stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the above-discussed combination of Sandhu and Das. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP § 2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-9, 12, 14, 18-20, 22-24, 29, 30, 39 and 40 are also patentable over the asserted combination of Sandhu and Das.

With particular respect to the rejection of dependent Claim 19, Applicant traverses because the asserted teachings do not correspond to the claimed limitations. The asserted service provider server is not a participant in a group call and therefore cannot correspond to the claimed predetermined participant. Moreover, the cited portions at column two do not refer to, or discuss, a group call and are inconsistent with the teachings asserted as corresponding to the claimed group call in the rejection of Claim 7. For at least these reasons, correspondence has not been shown to each of the claimed limitations and the rejection of Claim 19 is improper. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to dependent Claims 48, 49, 54 and 56, Applicant notes that these claims are not included in any of the statements of rejection. MPEP § 707.07(d) indicates that where a claim is refused the word "reject" must be used and the statutory

basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it appears that the Examiner intended to reject Claims 48, 49, 54 and 56 upon the same basis of the rejection of Claims 1-9, 12, 14, 18-20, 22-25, 28-30, 38-40 and 45, such a rejection would be improper for the reasons discussed above in connection with the failure of the asserted combination of Sandhu and Das to correspond to the claimed invention. If this was not the Examiner's intention, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP § 707.07(d).

Jones does not overcome the deficiencies of Sandhu and Das.

Applicant notes that the reference to Kinnunen *et al.* on page eleven appears to be misplaced as the rejection of Claim 10 is based on the teachings of Sandhu, Das and U.S. Publication No. 2003/0079135 by Jones (hereinafter "Jones"). Therefore, the reference to Kinnunen *et al.* has been assumed to be intended to be to Das. If this assumption is incorrect, Applicant requests clarification and an opportunity to respond.

Since Jones has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Jones does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 10 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 10. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Kennedy does not overcome the deficiencies of Sandhu and Das.

The assertion in paragraph seven that Sandhu and Das teach the limitations of Claim 10 is in direct contradiction to the § 103(a) rejection set forth in paragraph six on the same

page of the Office Action. Moreover, the reference to Claim 10 in the rejection of Claims 11 and 31 appears to be misplaced as neither of Claims 11 nor 31 depend from dependent Claim 10. Applicant requests clarification and an opportunity to respond.

Since U.S. Patent No. 5,544,225 to Kennedy, III *et al.* (hereinafter "Kennedy") has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Kennedy does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claims 11 and 31 depend from independent Claims 1 and 28 discussed above, the asserted combination of references does not teach or suggest each of the limitations of dependent Claims 11 and 31. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejection of dependent Claim 11, Applicant further traverses because Kennedy has not been shown to teach at least one packet comprising information about location replacing at least one speech or data packet as asserted. The relied-upon portion of Kennedy at column twenty-two merely teaches that the teachings of Kennedy are applicable to satellite communication systems and packet data communications and that transmission towers and a mobile telecommunications switching office may be replaced with a satellite communications system. Also, the relied-upon portions at columns eight and nine teach that location information may be sent in a data message; however, such information is part of the data message and there is no indication that the location information replaces a data or speech packet, as claimed. There is no support for the assertion that merely because location information is sent as part of a data message that such location information replaced a data or speech packet. Thus, no teaching or suggestion that a packet comprising information about location would replace a speech or data packet has been identified. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection of Claim 11 is improper, and Applicant requests that it be withdrawn.

Schuster does not overcome the deficiencies of Sandhu and Das.

Since U.S. Patent No. 6,577,622 to Schuster *et al.* (hereinafter “Schuster”) has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Schuster does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 13 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 13. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Salovuori does not overcome the deficiencies of Sandhu and Das.

Since U.S. Publication No. 2002/0196781 by Salovuori (hereinafter “Salovuori”) has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Salovuori does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claims 15 and 32 depend from independent Claims 1 and 28, the asserted combination of references does not teach or suggest each of the limitations of dependent Claims 15 and 32. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Haartsen does not overcome the deficiencies of Sandhu, Das, and Salovuori.

Since U.S. Publication No. 2003/0048806 by Haartsen (hereinafter “Haartsen”) has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to

the transmitting of speech and/or data by the mobile device), the further reliance on Haartsen does not overcome the deficiencies in the teachings of Sandhu, Das, and Salovuori. As dependent Claim 17 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 17. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Grube does not overcome the deficiencies of Sandhu and Das.

Since U.S. Patent No. 6,885,874 to Grube *et al.* (hereinafter “Grube”) has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Grube does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 26 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 26. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Kennedy again does not overcome the deficiencies of Sandhu and Das.

Since Kennedy has not been asserted or shown to teach the above-discussed limitations, the further reliance on Kennedy does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 27 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 27. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Haartsen does not overcome the deficiencies of Sandhu and Das.

Since Haartsen has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Haartsen does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 34 depends from independent Claim 28, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 34. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Kinnunen (or Kennedy) does not overcome the deficiencies of Sandhu and Das.

With respect to the § 103(a) rejection set forth in paragraph fourteen of the Office Action, Applicant has assumed that the reference to U.S. Patent No. 5,544,225 was in error. The rejection identifies a reference by Kinnunen *et al.* with the patent number 5,544,225; however, the '225 reference is by Kennedy III *et al.* Consistent with previous rejections Applicant has reviewed the rejection as if it were based upon U.S. Patent No. 6,813,501 by Kinnunen. If this assumption is incorrect, Applicant requests further explanation and the opportunity to respond.

Kinnunen has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), therefore the further reliance on Kinnunen does not overcome the above-discussed deficiencies in the teachings of Sandhu and Das. As each of the independent claims includes at least these limitations, the asserted combination of references does not teach or suggest each of the limitations of Claims 35, 36, 43 and 46. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

With further respect to the § 103(a) rejection, Applicant maintains that Kinnunen does not teach including information regarding a method with which the location was determined in a mobile device, as claimed in each of independent Claims 35, 43 and 46. In contrast, Kinnunen teaches that a location server attaches the source of the location information (column 8, lines 62-65) - not a mobile device. Thus, Kinnunen's source is not included in a mobile device, as claimed. Since none of the asserted references teaches that a mobile device includes information regarding the method with which the location of the mobile device was determined, any combination of such references would fail to correspond to each of the claimed limitations as required. Applicant accordingly requests that the § 103(a) rejection be withdrawn.

Salovuori does not overcome the deficiencies of Sandhu, Das and Kinnunen.

As discussed above, Salovuori has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), therefore, the further reliance on Salovuori does not overcome the deficiencies in the teachings of Sandhu, Das and Kinnunen. As dependent Claim 37 depends from independent Claim 35, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 37. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Kennedy does not overcome the deficiencies of Sandhu, Das and Kinnunen.

Since Kennedy has not been asserted or shown to teach the above-discussed limitations, the further reliance on Kennedy does not overcome the deficiencies in the teachings of Sandhu, Das and Kinnunen. As dependent Claim 44 depends from independent Claim 43, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 44. Without a presentation of correspondence to

each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Grube '326 does not overcome the deficiencies of Sandhu and Das.

Since U.S. Publication No. 2003/0100326 to Grube *et al.* (hereinafter "Grube '326") has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Grube '326 does not overcome the deficiencies in the teachings of Sandhu and Das. Moreover, none of the cited portions of Grube '326 teach or suggest displaying or sending an ACK/NACK (the asserted response acknowledgement from Das) such that a skilled artisan would combine the teachings of Grube '326 with the asserted teachings of Das. With further respect to Claim 50, none of the cited portions of Grube '326 teach or suggest displaying a response acknowledgement on a mobile device, as claimed. As dependent Claims 50, 52 and 53 depend from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claims 50, 52 and 53. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Vleck does not overcome the deficiencies of Sandhu and Das.

Since U.S. Patent No. 5,493,694 to Vleck *et al.* (hereinafter "Vleck") has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Vleck does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 51 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 51. Without a presentation of

correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

Balfanz does not overcome the deficiencies of Sandhu and Das.

Since U.S. Publication No. 2005/0129240 by Balfanz *et al.* (hereinafter “Balfanz”) has not been asserted or shown to teach the above-discussed limitations directed to transmitting, with the speech or data, information about the location of the mobile device (in response to the transmitting of speech and/or data by the mobile device), the further reliance on Balfanz does not overcome the deficiencies in the teachings of Sandhu and Das. As dependent Claim 55 depends from independent Claim 1, the asserted combination of references does not teach or suggest each of the limitations of dependent Claim 55. Without a presentation of correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant requests that it be withdrawn.

New Claim 57 has been added. Support for this claim may be found in the instant Specification, for example, at paragraph [0074]; therefore, no new matter has been added. The new claim is believed to be patentable over the asserted references for the reasons set forth above in connection with at least independent Claims 1 and 25.

Applicant appreciates the indication of allowance for claim 41.

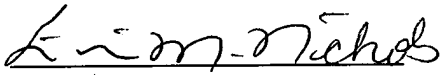
It should also be noted that Applicant does not acquiesce to the Examiner’s statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant’s invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner’s characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.034.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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